THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 12475 of 2007

DATED: 15.06.2007

Between:
Arifuddin Shaik.

... PETITIONER

AND

The Deputy Transport Commissioner and Secretary and another.

... RESPONDENTS

ORDER:

The vehicle of the petitioner bearing registration No.AP-01-T 5776 was seized, through proceedings, dated 13.04.2007, on the ground that the vehicle was being plied, without possessing the requisite documents, in relation to it. The petitioner challenges the seizure in this writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for Transport.

A perusal of the impugned proceedings, dated 13.04.2007, discloses that the petitioner did not produce relevant documents in relation to the vehicle. Certain other lapses were also pointed out. The liability of the petitioner in the context of these observations needs to be established in the proceedings to be initiated under the relevant provisions of the Motor Vehicles Act. If the vehicle is detained and kept in the custody of the 2nd respondent, till such proceedings take place, not only the petitioner would be put to irreparable loss, but also the vehicle would be exposed to the danger of theft and damage. The interest of the State can be protected by imposing necessary conditions while permitting the petitioner to keep the custody of the vehicle.

For the foregoing reasons, the writ petition is disposed of, directing that;

a) the vehicle of the petitioner bearing registration No.AP 01-T-5776 shall be released to him, on his depositing a sum of Rs.5,000/- (Rupees Five

Thousand Only) and on payment of tax due, if any; and

b) the petitioner shall also furnish an undertaking to the effect that he shall not alienate the vehicle till the proceedings in pursuance of the impugned order are finalized and that he shall produce the vehicle as and when required.

There shall be no order as to costs.

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15.06.2007

Kdl